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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,229	10/12/2005	Oliver Feilen	8369.005.US0000	7192

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EXAMINER	
TRAORE, FATOUMATA	
ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,229	FEILEN ET AL.	
	Examiner	Art Unit	
	FATOUMATA TRAORE	2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed June 30, 2009. Claims 12, 14 and 19 have been amended. Claims 12-19 are pending and have been considered below.

Response to Arguments

2. Applicant's arguments filed 06/30/2009 have been fully considered but they are not persuasive. Applicant's argues, "In no manner does Peltier contemplate or teach the insertion of an identifier in a module functional to operate the control of a particular component of a vehicle, the reading and storing of such an identifier in a memory module of an electronic operating system of a vehicle and comparing such stored identifier with an identifier of a replacement module to determine the suitability of the replacement module. Accordingly, it is submitted that neither Schawartz nor Peltier teaches any modification of the other of such references to arrive at the method and system as recited in the claims under rejection. In view of the foregoing, it respectfully is requested that the rejection of claims 12 through 18 be withdrawn, such claims be allowed and further that the application be passed y to issue."

3. The examiner respectfully disagrees with Applicant's characterization of the prior of record and Submits that Schwartz discloses the step of , the reading and storing of such an identifier in a memory module of an electronic operating system of a vehicle and comparing such stored identifier with an identifier of a replacement module to determine the suitability of the replacement module(see paragraphs {0014], [0017]-[0018]) described initially storing identifier 46 (in memory 42. During the attempted boot of hard drive 16, processor 22 polls hard drive 16(component) and retrieves identifier 44 from hard drive 16 and compares identifier

44 with identifier 46 stored in memory 42. If identifiers 44 and 46 match, hard drive 16 is booted. Additionally, processor 22 may be adapted to generate an alert on a display or other type of output device (not explicitly shown) indicating that identifiers 44 and 46 do not correspond with each other. Accordingly, the configuration of system 10 remains secure because drive device 15 may not be removed and replaced with another drive device--any serial number or identifier of the replacement drive device will not match identifier 46 stored in memory 42. which meet the limitations of claimed invention. Peltier was used to show that the memory module is functional in operating a control device of a component of a motor vehicle(see column 4, lines 18-30).

Claim Rejections - 35 USC § 112

4. In light of the amendments to the claims the 35 U.S.C. 112 rejection has been withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 12, 14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (US 7,100,036) in view of Peltier (US 6,671,611).

Claim 12 and 19: Schwartz discloses a system mountable in a motor vehicle effective in preventing manipulation of a memory module functional in operating a control device of

a component of said vehicle and a method of preventing manipulation of a memory module functional in operating a control device of a motor vehicle component(*column 3, lines 1-30 of Peltier)*, comprising:

i. means for reading an identifier stored in a first memory module functional in operating said control device(*paragraph [0019]; Fig. 1, item 42, Fig. 2, step 204*);

ii. means for storing said identifier in a read only memory of said system (*paragraph [0019]; Fig. 2, step 206);*

iii. means for reading an identifier stored in a second memory module intended to replace an installed memory module, functional in operating said control device (*paragraph [0018]; (Fig.1, item 16; Fig. 2, step 216*); and

iv. means for authenticating said second memory module by comparing the identifier of said second memory module with the identifier stored in said read only memory (paragraph [0021]; *Fig. 2, step 220*).

Schwartz does not explicitly disclose that the memory module is functional in operating a control device of a component of a motor vehicle. However, Peltier discloses a method and system for identifying parameters of engine, which further disclose that the memory module is functional in operating a control device of a component of a motor vehicle component (*column 4, lines 18-30*), Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Schwartz such as to use a control device of a component of a motor vehicle. One would

have been motivated to do so in order to properly installed a component in a motor vehicle(*column 3, lines 1-30)* as taught by Peltier

Claim 14: Schwartz and Peltier disclose a system mountable in a motor vehicle effective in preventing manipulation of a memory module functional as in claim 12 above, and Peltier further discloses that the system further includes a microprocessor provided with said storing and authenticating means*(column 22, lines 39-62; Fig. 3 item 97)*. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Schwartz such as to include a microprocessor. One would have been motivated to do so in order to properly installed a component in a motor vehicle(*column 3, lines 1-30)* as taught by Peltier

Claim 18: Schwartz and Peltier disclose a system mountable in a motor vehicle effective in preventing manipulation of a memory module functional as in claim 12 above, and Peltier further discloses wherein said control device comprises one of a group consisting of the engine, transmission, turbocharger, oil cooler and brake control devices of said vehicles(*column 4, lines 30-50*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Schwartz such as to include engine. One would have been motivated to do so in order to properly installed a component in a motor vehicle(*column 3, lines 1-30)* as taught by Peltier

7. Claims 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (US 7,100,036) in view of Peltier (US 6,671,611) in further view of Krauter et al (US 2001/0027524).

Claims 13 and 15: Schwartz and Peltier disclose a system mountable in a motor vehicle effective in preventing manipulation of a memory module functional as in claims 12 and 14 above , while neither of the explicitly discloses wherein said storing means of said system comprises a one-time programmable module. However, Krauter et al discloses system for detecting manipulation of programmable memory device, which further discloses wherein said storing means of said system comprises a one-time programmable module(paragraph [0016]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of Schwartz and Peltier such as to use a one-time programmable memory. One would have been motivated to do so in order to prevent unauthorized manipulation of a control program(paragraph [0008])) as taught by Krauter et al

Claim 16: Schwartz ,Peltier and Krauter et al disclose a system mountable in a motor vehicle effective in preventing manipulation of a memory module functional as in claim 15 above, and Schwartz further discloses wherein said storing means comprises a flash memory (*paragraph [0013]).*

8. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (US 7,100,036) in view of Peltier (US 6,671,611) in further view of Krauter et al (US 2001/0027524) and Berra (US 5,787,367).

Claim 17: Schwartz, Peltier and Krauter et al disclose a system mountable in a motor vehicle effective in preventing manipulation of a memory module functional as in claim 15above , while neither of the explicitly discloses a means for encrypting data stored in said storing means which can be decrypted by a key comprising said identifier. However, Berra discloses flash reprogrammable security for vehicle computer, which further discloses a means for encrypting data stored in said storing means which can be decrypted by a key comprising said identifier (*column 5, line 50 to column 6, line 22*) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of Schwartz, Peltier and Krauter et al such as to decrypt data with the identifier/password. One would have been motivated to do so in order to control reprogramming of on board vehicle computer (column 2, lines 60-67) as taught by Barre

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes,

which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Monday, November 2, 2009

/F. T./

Examiner, Art Unit 2436

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436